IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Jeewan Ram. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 796/2006 against the order dated 19-4-2006 passed by the Special Judge, N.D.P.S. Act Cases, Chittorgarh, in Criminal Misc. Petition No. 85/2006.

...

Date of Order: August 17, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. M.L. Bishnoi, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

This criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter) is directed against the order dated 19-4-2006 passed by the Special Judge, N.D.P.S. Act Cases, Chittorgarh (for short, "the trial Court" hereinafter) in Criminal Misc. Petition No. 85/2006, whereby the application filed by the petitioner under Section 457 of the Code seeking custody of the truck No. RJ.19-G-4862 was dismissed.

I have heard learned counsel for the petitioner.

Carefully gone through the order impugned.

On 10-10-2005, the said truck was intercepted by the police and it was found carrying 2200 kgs of poppy husk in 55 bags. The offence under Section 8/15 of the Narcotic Drugs and Psychotropic Substance Act, 1985 was registered. The petitioner claims to be the registered owner of the said truck. Before the trial Court, an agreement dated 2-4-2005 was filed by the petitioner stating therein that he had sold the truck to Jagish Ram Bishnoi for a sum of Rs. 3,50,000/-. According to the petitioner himself, the truck was sold by him to Jagdish Ram Bishnoi by an agreement. In the circumstances, therefore, admittedly, even as per the case of the petitioner himself, he is not entitled for the custody of the truck in question, but Jagdish Ram Bishnoi, who is said to have expired subsequently, or his legal representative may be entitled for the custody of the said truck. In the circumstances, therefore, no case for interference in the impugned order is made out.

The criminal miscellaneous petition is dismissed.

(H.R. PANWAR), J.

mcs